

Appl. No. : 10/675,589
Filed : September 30, 2003

REMARKS

In response to the Office Action dated December 1, 2006, Applicant respectfully requests the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following comments. As a result of the amendments listed above, Claims 25-27 remain pending. Claim 27 has been amended. Claims 18-26 and 30-32 have been canceled, without prejudice or disclaimer. New Claims 33-44 have been added.

In the changes made by the current amendment, ~~deletions are shown by strikethrough~~, and additions are underlined or enclosed in [[double brackets]].

Claims 27-29 Comply With 35 U.S.C. § 112, First Paragraph

Claims 27-29 presently stand rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. In response, Applicant has elected to amend Claim 27 to remove the recitation of “sterile packaging.” However, Applicant maintains that such a recitation is supported by the application as filed, as one of skill in the art would recognize that the disclosed “kit” of medical items, at least some of which are intended for insertion into a patient, would be provided in a sterile condition. Thus, no waiver has been made by the present amendment and Applicant expressly reserves the right to pursue such claims, or similar claims, at a later date.

Applicant submits that amended Claim 27 complies with 35 U.S.C. § 112, first paragraph, and is in condition for allowance. Claims 28 and 29 are allowable, not only because they depend from allowable Claim 27, but upon their own merit as well.

The Objection to the Drawings Is Moot

The drawings presently are objected to for failing to show every feature specified in the claims. Claim 27 has been amended to remove the recitation of “sterile packaging,” as discussed above. Accordingly, Applicant submits that the objection is now moot.

Claim 27 Has Been Amended

Claim 27 has been amended to more closely correspond with the descriptive language of the specification with respect to the introducer. In particular, the term “needle” has been deleted

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from the introducer needle limitation. Applicant submits that the recitation of an "introducer" is appropriate in view of the description in the specification.

New Claims Have Been Added

New Claims 33-44 have been added. These claims are fully supported by the application as filed and read on the elected species. New Claims 33-36 depend from allowable Claim 27 and are allowable on their own merit as well. Claims 37-44 comprise a new claim set.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims and specification. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

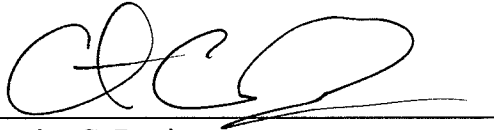
The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney, Curtiss C. Dosier at (949) 721-7613 (direct line), to resolve such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: June 1, 2007

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